

Amendments to the Drawings:

The attached replacement sheet of drawing includes changes to FIG. 5B. This sheet, which includes Figs. 5BA, 5B and 5C, replaces the original sheet including Figs. 5BA, 5B and 5C.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

This paper is responsive to the Final Office Action mailed July 2, 2008. Reconsideration in view of the following remarks is respectfully requested.

The Specification has been amended to describe Fig. 5C. Fig. 5B has been amended and new Fig. 5C has been added as suggested by the Examiner. Support may be found in the Specification and figures, as originally filed. No new matter has been added.

Claims 1, 39, 42, 48, 54, 47, and 60 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found throughout the Specification, such as on page 17, lines 6-22, and Figures, such as Fig. 5A and Fig. 5C.

Interview Summary

Applicant and Applicant's attorney thanks the Examiner for her time and help to advance prosecution of this application towards a Notice of Allowance. Attorneys Adrienne Yeung (Reg. No. 44,000) and Will Plut (Reg. No. 59,700) conducted an interview with Examiner Dixon on July 28, 2008. The Examiner provided suggestions to add Fig. 5C and amend Fig. 5B as provided herein.

Drawings

Fig. 5B has been amended to illustrate that reference number 160 are openings and new Fig. 5C has been added as requested by the Examiner to illustrate a side cutaway view of the gas delivery device. All amendments are supported in the Specification, such as on page 17, lines 6-22. No new matter has been added.

The 35 U.S.C. § 103 Rejections

Claims 1-13, 23-26, 28-30, and 39-64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (USP 6,776,158) in view of LaBauve (USP 4,520,808), among which claims 1, 23, 39, 42, 45, 48, 54, 57 and 60 are independent claims. This rejection is respectfully traversed.

- a. Independent Claims 1, 39, 42, 48, 54, and 57

Amended Claim 1 provides for: “a plurality of holes surrounding the multiple living specimen interfaces capable of drawing in anesthesia gas.” Claims 39, 42, 48, 54, and 57 have a similar limitation. Neither Anderson nor LaBauve teach “a plurality of holes surrounding the multiple living specimen interfaces” and the combination of the limitations as claimed in Claim 1.

- b. Claims 23 and 45

Claim 23 provides for “a vertical slot disposed between two adjacent specimen interfaces, wherein the vertical slot is capable of receiving and holding an opaque light barrier ... and b) an opaque light barrier for insertion in the vertical slot.” Claim 45 provides for similar features.

The previous and current Office Action fail to point out specifically where Anderson or LaBauve teach the use of “a vertical slot disposed between two adjacent specimen interfaces” and “an opaque light barrier for insertion in the vertical slot”. In fact, neither Anderson nor LaBauve teach the use of vertical slots or opaque light barriers inserted in the vertical slots. Anderson would have no purpose or reason to use light barriers or vertical slots nor would the Anderson have any way to support the light barriers or vertical slots. Furthermore, LeBauve would have no purpose or reason to use vertical slots to hold an opaque light barrier as the animal holding tubes are arranged vertically and the opaque light barriers would serve no purpose. Moreover, LaBauve would not use light barriers and slots between the animals as the light barriers would block the view of all other specimens below it.

Should the Examiner maintain this rejection, it is respectfully requested that a specific citation be provided as to where Anderson or LaBauve teach a vertical slot, disposed between two adjacent specimens, to receive an opaque light barrier. Thus, a *prima facie* case of obviousness has not been made.

c. Claim 60

Claim 60 provides for “a mouse interface including a hole in the front face, wherein the mouse interface is sized to at least partially receive the head of the mouse and to provide the anesthesia gas and oxygen in a first direction; ... at least one hole in the front face adjacent to the mouse interface and capable of drawing in anesthesia gas in a second direction that is opposite to the first direction.” Neither Anderson nor LaBauve teach the claimed elements of Claim 60.

Accordingly, for at least the reasons above, it can not be said that the alleged combination of Anderson and LaBauve teaches the limitations set forth in the independent claims. As to dependent Claims 5-10, 12-13, 24-26, 28-30, 40, 43-44, 46-47, 49-50, 55-56, 58-59, and 61, the arguments set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable. It is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-4481 (Order No.XENOP008).

Respectfully submitted,
BEYER LAW GROUP LLP

/Adrienne Yeung/
Adrienne Yeung
Registration No. 44,000

P.O. Box 1687
Cupertino, CA 95015-1687
(408) 255-8001